

TOWN OF UNDERHILL

Development Review Board

MICHAEL DIFFENDERFFER

CONDITIONAL USE

Docket #: DRB-19-12

Applicant(s):	Michael Diffenderffer
Consultant:	Unknown
Property Location:	15 Pleasant Valley Road (PV015)
Acreage:	±1.1 Acres (Grand List) / ±0.82 Acres (ArcMap)
Zoning District(s):	Underhill Center Village District
Project Information:	The Applicant is proposing to convert a multi-family dwelling to a mixed-use structure containing: three dwelling units (multi-family dwelling), office space and restaurant space, as well as to construct a covered porch within a riparian buffer.

2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS

RELEVANT REGULATIONS:

- Article II, Table 2.3 – Underhill Center Village District (pg. 12)
 - Article III, Section 3.2 – Access (pg. 30)
 - Article III, Section 3.3 – Conversion or Change of Use (pg. 33)
 - Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
 - Article III, Section 3.8 – Nonconforming Lots (pg. 39)
 - Article III, Section 3.9 – Nonconforming Structures (pg. 40)
 - Article III, Section 3.11 – Outdoor Lighting (pg. 41)
 - Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
 - Article III, Section 3.14 – Performance Standards (pg. 46)
 - Article III, Section 3.16 – Signs (pg. 50)
 - Article III, Section 3.17 – Source Protection Areas (pg. 55)
 - Article III, Section 3.18 – Steep Slopes (pg. 56)
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 - Article IV, Section 4.15 – Multi-Dwelling Structures (Access Dwellings, Two-Family Dwellings and Multi-Family Dwellings (pg. 92)
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 - Appendix A – *Underhill Road, Driveway, Trail Ordinance*
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- a. Exhibit A - Diffenderffer Conditional Use Review Staff Report
- b. Exhibit B - Diffenderffer (PV015) Conditional Use Review Hearing Procedures
- c. Exhibit C - Development Review Application
- d. Exhibit D - Project Narrative & Information
- e. Exhibit E - Zoning Permit Application # B-19-18
- f. Exhibit F - Zoning Permit Application # CL-19-05
- g. Exhibit G - Certificate of Service
- h. Exhibit H - BFP Notice
- i. Exhibit I - § 3.17 Source Protection Areas (ULUDR)
- j. Exhibit J - Existing & Proposed Upper Level Floor Plan
- k. Exhibit K - Existing & Proposed Lower Level Floor Plan
- l. Exhibit L - Existing & Proposed Elevations
- m. Exhibit M - Wastewater System Site Plan

COMMENTS/QUESTIONS

UNIFIED LAND USE & DEVELOPMENT REGULATIONS

- 1. **TABLE 2.3 – UNDERHILL CENTER VILLAGE DISTRICT:** The proposing parking areas shall be 12 ft. from the property lines unless waived by the Development Review Board.
- 2. **TABLE 2.3 – UNDERHILL CENTER VILLAGE DISTRICT:** Should the Board pursue more information about the parking arrangement, obtaining the building and lot coverage percentages is recommended.
- 3. **SECTION 3.2 – ACCESS:** While the Applicant has not submitted an access permit application at this time, the Board can still review the layout of the access way and parking layout, as the application itself only provides informational materials.
- 4. **SECTION 3.2 – ACCESS:** Staff has informed the Applicant that more information regarding the parking layout is likely to be required.
- 5. **SECTION 3.2 – ACCESS:** Upon ascertaining what information will be required, Staff can solicit comments from the Road Foreman.
- 6. **SECTION 3.2 – ACCESS:** The existing lot already contains two existing accesses (curb cuts). The Board has the authority to require the Applicant to close one of the curb cuts (Sections 3.2.D.2 and 3.2.D.4).
- 7. **SECTION 3.2 – ACCESS:** The Board has the authority to require the Applicant to bring the driveway up to AOT B-71 Standards.
- 8. **SECTION 3.3 – CONVERSION OR CHANGE OF USE:** Conditional use approval is required since the Applicant is proposing to convert the structure from a multi-family dwelling (a conditional use) to a mixed-use structure (a conditional use) (§ 3.3.A.3).
- 9. **SECTION 3.11 – OUTDOOR LIGHTING:** If lighting in the parking areas occurs, the Applicant will need to confirm that they will conform with the outdoor lighting requirements.
- 10. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** All parking spaces are required to be 9 ft. by 18 ft., and shall be located to the side or rear of the building, behind the front building line, unless approved by the Board.

11. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** Parking areas, loading areas, utilities, waste and recycling collection areas, shall be screened from adjoining residential properties.
12. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** The parking area shall consist a minimum 10% landscaping unless waived by the Board.
13. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** The Board may require as a condition of approval standards relating to: a) shared parking, b) landscaping, c) screening, d) lighting, e) snow removal, f) pedestrian, or g) transit facilities.
14. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** The Applicant will need to depict loading and service areas for emergency vehicles, waste and recycling collection, utility boxes, snow storage and other purposes found to be necessary.
15. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** Loading and service areas will need to be clearly marked and located in a manner that will not obstruct vehicular and pedestrian circulation.
16. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS:** The Board retains the right to waive some the aforementioned requirements (see § 3.13.C).
17. **SECTION 3.16 – SIGNS:** The Board shall inquire with the Applicant if he is an anticipating the utilization of a sign.
18. **SECTION 3.19 – SURFACE WATERS & WETLANDS:** The proposed covered porch will be ~66 ft. from Crane Brook, and therefore, will encroach upon the riparian buffer by 34 ft.
19. **SECTION 3.19 – SURFACE WATERS & WETLANDS:** The first 50 ft. of the riparian buffer are to be maintained as an undisturbed, naturally vegetated riparian buffer (§ 3.19.D.5).
20. **SECTION 5.3.B.6 – LANDSCAPING & SCREENING:** Landscaping shall be provided to shield parking areas from neighboring properties – specifically in the front and side portions of the property where they abut residential properties or public roads.
21. **SECTION 5.4.B.1 – THE CAPACITY OF EXISTING OR PLANNING COMMUNITY SERVICES OR FACILITIES:** Staff can consult the Road Foreman should the Board desire more information relating to access and drainage issues.
22. **SECTION 5.5.B.4 – WAIVER REQUEST ELEMENTS:** The porch could be shortened in order to conform to the riparian buffer requirement.
23. **ARTICLE VI – FLOOD HAZARD AREA REVIEW:** Additional information relating to parking is required to determine if any of the flood hazard area review standards apply.

APPENDIX A – ROAD ORDINANCE

1. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – GRADES:** More information relating to the grade of the driveway is required to determine if it satisfies the 10% grade requirement.
2. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – TOPOGRAPHY:** Should the Board require updated information relating to parking, further review will be required.
3. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – DRAINAGE:** Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman regarding drainage.

4. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – SLOPES, BANKS & DITCHES:** Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman and conduct a more thorough review regarding this subsection.
 5. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – WET AREAS:** Upon the submission of additional parking materials, Staff can conduct a more thorough review regarding this subsection.
 6. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – CULVERTS:** Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman regarding culverts.
 7. **SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS – DESIGN:** A paved apron shall be provided.
 8. **SECTION 5.A – DRIVEWAYS – CONSTRUCTION & DESIGN REQUIREMENTS:** The Board should require the Applicant to upgrade the existing driveway and proposed parking areas to be upgraded to AOT B-71 Standards.
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STAFF FINDINGS OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS



	Underhill Center Village		Existing	Proposed
Lot Size:	1.50 Acres		1.1 Acres (Grand List) 0.82 Acres (ArcMap)	
Frontage:	100 ft.		236 ft.	
Setbacks:	Principal	Accessory	Source: ArcMap (Exhibits J & K)	
• Front South	0 ft.	0 ft.	±18 ft.	±18 ft.
• Side 1 West	15 ft.	12 ft.	±53 ft.	±53 ft.
• Side 2 East	15 ft.	12 ft.	±61 ft.	±61 ft.
• Rear North	15 ft.	12 ft.	±73 ft.	±66 ft.
Max. Building Coverage:	50%		Assumed Met	Assumed Met
Max. Lot Coverage:	75%		Assumed Met	Assumed Met
Maximum Height:	35 ft.		Assumed Met	Assumed Met

Purpose Statement: The purpose of the Underhill Center Village District is to encourage a community that reflects its historic character, which includes diverse residential, public, and small-scale commercial uses. This District's intent is to provide gathering places, services, work spaces and recreational spaces in a compact, safe, walkable and welcoming setting to the extent topographical and environmental conditions allow.

- The proposed uses: multi-family, office space and restaurant space, conform with the small-scale commercial uses, gathering places, services and work spaces provided in the purpose statement above.
 - The proposed uses require the following review:
 - Office – **Site Plan Review**
 - Mixed Use (max: 10,000 sq. ft.) – **Conditional Use Review**
 - Dwelling-Multi Family (max: 3 units) – **Conditional Use Review**
 - Restaurant (max: 90 seats; no drive-through) – **Conditional Use Review**
- The existing lot does not conform to the minimize lot size requirement, and is therefore, a preexisting nonconforming lot (see Section 3.8, Nonconforming Lots below).
- The existing structure conforms to the property's setback requirements.
- The proposed covered porch will conform with the property's setback requirements.
- The proposed covered porch will **NOT** conform with the riparian buffer setback (see Section 3.19, Surface Waters & Wetlands below).
- The proposing parking areas shall be 12 ft. from the property lines unless waived by the Development Review Board (see Sections 3.2 and 3.13 below).

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS

PG. 30

- The subject lot accesses Pleasant Valley Road, a Class II Town Highway, via two curb cuts.
- While the lot is nonconforming, it is not nonconforming regarding frontage, and therefore, the standards under Section 3.2.B do not apply.
- The Applicant is required to submit an access permit for the proposed project:
 - While the Applicant has not submitted an access permit application at this time, the Board can still review the layout of the access way and parking layout, as the application itself only provides informational materials.
 - Staff has informed the Applicant that more information regarding the parking layout is likely to be required.
 - Upon ascertaining what information will be required, Staff can solicit comments from the Road Foreman.
- The existing lot already contains two existing accesses (curb cuts). The Board has the authority to require the Applicant to close one of the curb cuts (Sections 3.2.D.2 and 3.2.D.4).
- The Board has the authority to require the Applicant to bring the driveway up to AOT B-71 Standards.

SECTION 3.3 – CONVERSION OR CHANGE OF USE

PG. 33

- The proposed uses seemingly satisfy the requirements the ULUDR standards.
- Conditional use approval is required since the Applicant is proposing to convert the structure from a multi-family dwelling (a conditional use) to a mixed-use structure (a conditional use) (§ 3.3.A.3).
- The Applicant has submitted a wastewater system design, thereby having submitted evidence that sufficient wastewater can be provided to the proposed project (see Exhibit M).

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS**PG. 38**

- The existing structure will conform to the district’s setback requirements.
- While the proposed covered porch will conform to the district’s setback requirements, it will not conform to the riparian buffer requirements for Crane Brook, a named river.
- The Applicant proposed multiple principal uses, and therefore, is proposing a mixed-use facility, which is allowed per Section 3.7.A.

SECTION 3.8 – NONCONFORMING LOTS**PG. 39**

- While the existing lot is nonconforming, the dimensions of the lot do not appear to be prohibitive in regards to the proposed project.
- The Board may reduce applicable surface water setback requirements in accordance with the waiver standards (no more than 50%) or the variance standards (more than 50%) in Article V (see Section 3.8.C).

SECTION 3.9 – NONCONFORMING STRUCTURES**PG. 40**

- The existing structure is approximately 73 ft. from Crane Brook. Therefore, in the riparian buffer.
 - The proposed covered porch will be considered an expansion of a nonconforming structure (Section 3.19.G).
- A nonconforming structure may be enlarged as part of a waiver or variance review in accordance with Section 5.5 of the ULUDR.

SECTION 3.11 – OUTDOOR LIGHTING**PG. 41**

- Lighting over the building’s entry points will be downward directed and shielded (see Exhibit D).
- The Board should inquire if the parking areas will consist of any lighting.
 - If lighting in the parking areas occurs, the Applicant will need to confirm that they will conform with the outdoor lighting requirements.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS**PG. 44**

- The proposed mixed use structure requires 27 parking spaces, as outlined below:

Dwelling Units*(3 Dwelling Units)*

3 Parking Spaces Per 2 Dwelling Units

5 Parking Spaces

Office Space*(1,500 sq. ft.)*1 Parking Space per 300 sq. ft. of
Gross Floor Area

5 Parking Spaces

Restaurant Space*(60 Proposed Seats & 5
Assumed Employees)*1 Parking Space per 5 Seats and 1
Parking Space per Employee

17 Parking Spaces

Total

27 Parking Spaces

- All parking spaces are required to be 9 ft. by 18 ft., and shall be located to the side or rear of the building, behind the front building line, unless approved by the Board.
- Parking areas, loading areas, utilities, waste and recycling collection areas, shall be screened from adjoining residential properties.
- The parking area shall consist a minimum 10% landscaping unless waived by the Board.
- The Board may require as a condition of approval standards relating to: a) shared parking, b) landscaping, c) screening, d) lighting, e) snow removal, f) pedestrian, or g) transit facilities.

- The Applicant will need to depict loading and service areas for emergency vehicles, waste and recycling collection, utility boxes, snow storage and other purposes found to be necessary.
 - Loading and service areas will need to be clearly marked and located in a manner that will not obstruct vehicular and pedestrian circulation.
- The Board retains the right to waive some the aforementioned requirements (see § 3.13.C).

SECTION 3.14 – PERFORMANCE STANDARDS

PG. 46

- Staff does not anticipate that the proposed project will create any of the situations enumerated within this Section.
- Should the project create one of the enumerated situations within, enforcement action by the Zoning Administrator shall ensue.

SECTION 3.16 – SIGNS

PG. 46

- The Board shall inquire with the Applicant if he is anticipating the utilization of a sign.
- Should the Applicant propose a sign, he shall submit and conform to the standards in this section.

SECTION 3.17 – SOURCE PROTECTION AREAS

PG. 55

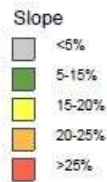
- The subject lot is located entirely within the Groundwater Source Protection Area.
- The proposed project will need to conform to the requirements of § 3.17.B (see Exhibit I).
 - Subsections 2, 4 and 7 seem to be the most applicable.
- The Board may require on-site groundwater monitoring (§ 3.17.C).



SECTION 3.18 – STEEP SLOPES

PG. 56

- The ANR Atlas does not depict any areas of steep slopes (15%-25%) or very steep slopes (>25%) on the lot (see directly to the right).



SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- The ANR Atlas does not depict any wetlands on the property.
- The property's rear property line is Crane Brook, which contains a Zone AE (1-percent annual chance floodplains with elevations) Floodplain, thus requiring new development to be set back from the Brook, 100 ft.
- The proposed covered porch will be approximately 66 ft. from Crane Brook, and



therefore, will encroach upon the riparian buffer by 34 ft.

- The first 50 ft. of the riparian buffer are to be maintained as an undisturbed, naturally vegetated riparian buffer (§ 3.19.D.5).
- The Board can authorize encroachments within riparian buffers, subject to conditional use review (§ 5.4) and in accordance with § 3.19.E.2
- The proposed construction of the covered porch within the riparian buffer is considered to be an expansion of a nonconforming structure (see § 3.19.G).

SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS

PG. 68

- The Applicant has submitted a site plan of the wastewater system design (see Exhibit M), which will presumably be approved by the State of Vermont, Department of Environmental Conservation.

ARTICLE IV – DEVELOPMENT REVIEW

SECTION 4.12 – MIXED USE

PG. 87

- Mixed use structures are permitted in the Underhill Center Village District if approved as a conditional use.
- Mixed use projects are required to conform to the requirements of the ULUDR, including access, sign and parking requirements.

SECTION 4.15 – MULTI-DWELLING STRUCTURES (ACCESSORY DWELLINGS, TWO-FAMILY DWELLING AND MULTI-FAMILY DWELLINGS)

PG. 94

- The proposed dwelling units already existing within the existing structure.
- The Applicant is not proposing to the enlarge the existing structure itself, but rather add onto the existing structure, and therefore, the footprint will not be changed to house the proposed uses, including dwelling units.
- The Applicant is required to provide on-site parking (see Section 3.13).
- The Applicant has submitted a site plan of the wastewater system design (see Exhibit M).

ARTICLE V – DEVELOPMENT REVIEW

SECTION 5.1 – APPLICABILITY

SECTION 5.1.A – TYPE OF REVIEW REQUIRED

PG. 112

- Conditional use review is required in accordance with Sections 3.7.E.1 and 3.9.

SECTION 5.1.B – COORDINATION OF REVIEW

PG. 112

- Does not apply.

SECTION 5.3 – SITE PLAN REVIEW

SECTION 5.3.A – PURPOSE

PG. 115

- Site plan review is required per § 5.4.C when reviewing a conditional use review application.

SECTION 5.3.B – STANDARDS *(the Board may wish to consider and impose appropriate safeguards, modifications and conditions relating to any of the following standards:)*

SECTION 5.3.B.1 – EXISTING SITE FEATURES

PG. 115

- The proposed project will encroach upon the Crane Brook riparian buffer (§ 5.3.B.1.iv).
- The proposed project could potentially impact a special flood hazard area, depending on the configuration of the required parking area (§ 5.3.B.1.v).
- The proposed project is in a delineated source protection area – a ground source protection area (§ 5.3.B.1.vi) (see Section 3.17 above).
- In regards to the other resources listed, the project appears to avoid, or conforms with, the requirements/resources therein.
- Should the Board discover any of the resources identified under Section 5.3.A.1, they have the ability to require one or more of the mitigation techniques:
 - Increased setback distances or undisturbed buffer areas between proposed development and identified resources.
 - The designation of building envelopes sited to exclude identified resource areas, and to limit the extent of site clearing and disturbance.
 - Permanent protection of identified resource areas as designated open space.
 - The screening of development as viewed from public vantage points.
 - The preparation and implementation of management plans for identified resources.

SECTION 5.3.B.2 – SITE LAYOUT & DESIGN

PG. 115

Underhill Flats Village Center and Underhill Center Village Districts. Site design and layout shall reinforce a traditional, compact village settlement pattern characterized by a pedestrian scale and orientation, traditional densities and setbacks, well-defined streetscapes that include sidewalks or paths to facilitate pedestrian circulation, and a well-defined physical and visual edge to the built environmental. Principal buildings shall be scaled and oriented in relation to adjoining structures, with principal facades and entrances facing the road or central greens, and shall establish or maintain a consistent front set back distance (building line) from the street in relation to adjoining structures.

- The proposed structure is already existing, and seemingly satisfies the intent of this requirement.
- The proposed project will provide commercial opportunities and denser residential development, which satisfies the Town Plan's effort of focus those resources in the Town's centers.
- The proposed project is in an area that can be accessed by pedestrians from Underhill Center.
- The existing building is seemingly consistent with other structures in the area.
- The restaurant entrance and office space entrance will not be accessed from the side facing the road; however, the dwelling units will have access from the side facing the road.

SECTION 5.3.B.3 – VEHICLE ACCESS

PG. 116

- The property is currently accessed by two curb-cuts via Pleasant Valley Road.
- The Board has the authority to require modifications, such as eliminating one of the curb cuts.

SECTION 5.3.B.4 – PARKING, LOADING & SERVICE AREAS

PG. 117

- See Section 3.13 above.

SECTION 5.3.B.5 – SITE CIRCULATION

PG. 117

- More detailed information relating to the parking plan is required to make findings about site circulation (see Section 3.13 above).

SECTION 5.3.B.6 – LANDSCAPING & SCREENING

PG. 118

- The Applicant is proposing to add shrubs along the road side of the building to improve the aesthetics of the project (see Exhibit D).
- In accordance with this subsection and Section 3.13, landscaping shall be provided to shield parking areas from neighboring properties – specifically in the front and side portions of the property where they abut residential properties or public roads.
- Refer to this section of the Land Use & Development Regulations for landscaping techniques.

SECTION 5.3.B.7 – OUTDOOR LIGHTING

PG. 119

- See Section 3.11 above.

SECTION 5.3.B.8 – STORMWATER MANAGEMENT AND EROSION CONTROL

PG. 119

- The Board typically requires as a condition of approval the applicants adhere to the guidelines set out in the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control.

SECTION 5.4 – CONDITIONAL USE REVIEW

SECTION 5.4.A – PURPOSE *(the standards and conditions should relate to the identification, avoidance and/or mitigation of potential impacts:)*

PG. 120

- Board approval is required for development that is proposed to occur in the property's setbacks per Sections 3.7.E.1 and 3.9.
- Board approval is required for the conversion of from a permitted use to a conditional use, or from one conditional use to another conditional in accordance with Section 3.3.A.3.

SECTION 5.4.B – GENERAL STANDARDS

SECTION 5.4.B.1 – THE CAPACITY OF EXISTING OR PLANNING COMMUNITY SERVICES OR FACILITIES

PG. 121

- The proposed project is not anticipated to have an adverse impact on the existing or planned community services or facilities.
- Staff did not solicit input from UJFD or MMU, as the structure currently exists and the number of dwelling units is not increasing.
- Staff can consult the Road Foreman should the Board desire more information relating to access and drainage issues.

SECTION 5.4.B.2 – THE CHARACTER OF THE AREA AFFECTED

PG. 121

- The proposed project is not anticipated to have an adverse impact on the character of the area, as the mixed-use structure will contain uses that are allowed as a permitted use with site plan review required (office) and conditionally (multi-family and restaurant). These uses are consistent with the Town Plan's desire to increase commercial activity and have denser residential development in the Town's centers.
 - **Location:** the property is located in the Underhill Center Village District, a zoning district that provides for multi-family dwellings (conditionally), restaurant space (conditionally) and office space (permitting as a site plan review project).
 - **Scale:** the scale of the structure is negligibly going to change, as the Applicant is only proposing to construct a covered porch onto the rear portion of the building. Otherwise, the existing footprint is expected to remaining unchanged.
 - **Type:** the proposed uses are either permitting conditionally (multi-family and restaurant) or permitted as a site plan review application (office). All of the

applicable proposed uses require review by the Board. However the proposed uses conform to the intent of Town Plan regarding the underlying zoning district and center.

- **Density:** the density is not going to change, as the same number of dwelling units will not alter from the existing three (3).
- **Intensity:** the proposed project will result in increased intensity; however, this type of intensity (a restaurant use, an office use, and a multi-family dwelling use) is anticipated in the Town's centers.

SECTION 5.4.B.3 – TRAFFIC ON ROADS & HIGHWAYS IN THE VICINITY PG. 121

- The proposed project is anticipated to impact traffic on the roads and highways in the vicinity, as additional traffic is expected with the proposed restaurant space and proposed office space (see Exhibit D).
- The Board could require a traffic impact analysis if deemed necessary in accordance with Section 5.4.B.3.b.

SECTION 5.4.B.4 – BYLAWS IN EFFECT PG. 122

- If approved, the proposed project will conform with the bylaws currently in effect.

SECTION 5.4.B.5 – THE UTILIZATION OF RENEWABLE ENERGY RESOURCES PG. 122

- No findings.

SECTION 5.4.C – SITE PLAN REVIEW STANDARDS PG. 123

- See analysis under Section 5.3 above.

SECTION 5.4.D – SPECIFIC STANDARDS *(The Board may consider the following subsections and impose conditions as necessary to reduce or mitigate any identified adverse impacts of a proposed development:)*

SECTION 5.4.D.1 – CONFORMANCE WITH THE TOWN PLAN PG. 123

- The proposed development is seemingly consistent with the Town Plan.
 - Commercial activity and increased density are to be focused to towards the Town's centers.

SECTION 5.4.D.2 – ZONING DISTRICT & USE STANDARDS PG. 123

- The proposed project will comply with the Underhill Center Village District's dimensional and use standards should the Board grant conditional use approval.

SECTION 5.4.D.3 – PERFORMANCE STANDARDS PG. 123

- See Section 3.14 above.

SECTION 5.4.D.4 – LEGAL DOCUMENTATION PG. 123

- Does not apply.

SECTION 5.5 – WAIVERS & VARIANCES

SECTION 5.5.A – APPLICATIONS & REVIEW STANDARDS PG. 123

- The applicants have asked for a waiver to construct a covered porch in the Crane Brook riparian buffer.
 - The proposed covered porch will be approximately 66 ft. from Crane Brook, and therefore, will encroach upon the riparian buffer by 34 ft.
- Other waivers may be granted by the Board as they see appropriate.

- The Board may waive application requirements and site plan or conditional use review standards under §§ 5.3 and 5.4 that it determines are not relevant to the application.

SECTION 5.5.B – DIMENSIONAL WAIVERS

SECTION 5.5.B.1 – WAIVER REQUEST RATIONALE

PG. 124

- The Applicants have requested a waiver to construct a cover porch in the Crane Brook riparian buffer, which will serve the mixed-use structure.

SECTION 5.5.B.2 – APPLICABILITY OF WAIVER REQUEST

PG. 124

- The Board may grant a waiver if one of the following is true:
 - To allow for the reasonable development and use of a pre-existing nonconforming lot under Section 3.8.
 - To allow for additions or improvements to a pre-existing nonconforming structure under Section 3.9.
 - Comply with federal or state public health, safety, access and disability standards.
 - Allow for the siting of renewable energy structures.
- Statement 1 above appears to be applicable.

SECTION 5.5.B.4 – WAIVER REQUEST ELEMENTS

PG. 124

- | | |
|---|--|
| <p>a. <i>Element 1</i> – No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.</p> | <ul style="list-style-type: none"> • When reviewing the submitted plans (see Exhibits E, J & M), siting the porch outside of the riparian buffer is possible, as there are no site-wide constraints that would prevent development. I.e. the porch could be shortened in order to conform to the riparian buffer requirement. |
| <p>b. <i>Element 2</i> – The reduced setback is not contrary to public health, safety and welfare, stated objectives and policies of the Underhill Town Plan, or the intent of these regulations.</p> | <ul style="list-style-type: none"> • Staff is unaware of any stated objectives and policies in the Town Plan where the construction of the proposed covered porch would be contrary. |
| <p>c. <i>Element 3</i> – The waiver represents the minimum setback reduction necessary to allow for the proposed development.</p> | <ul style="list-style-type: none"> • The porch could be shorted in order to conform to the riparian buffer requirements. • The Applicant has expressed a desire to have the porch extend the entire length of the existing structure. |
| <p>d. <i>Element 4</i> – Any potential adverse impacts resulting from reduced setbacks on adjoining properties, surface waters or wetlands shall be mitigated through site design, landscaping and screening, other accepted mitigation measures.</p> | <ul style="list-style-type: none"> • The Board should evaluate if any mitigation measures are required as a result of the construction of the proposed covered porch. |

ARTICLE VI – FLOOD HAZARD AREA REVIEW

- The property's rear property line is Crane Brook, which contains a Zone AE (1-percent annual chance floodplains with elevations) Floodplain, thus requiring new development to be set back from the Brook, 100 ft (source: ANR Website).
- The existing structure is not, nor will the proposed covered porch be, located in the identified floodplain.
- Parking may occur within the floodplain, at-grade, provided review is conducted by the State under Section 6.5 and meets the applicable standards under Section 6.6 (§ 6.4.D.4).
 - Additional information relating to parking is required to determine if any of the flood hazard area review standards apply.



APPENDIX A – ROAD & DRIVEWAY STANDARDS

SECTION 4 – GENERAL PROVISIONS RELATING TO ACCESSWAYS

SECTION 4.B – REASONABLE ACCESS

PG. 8

- The existing lot has two accesses (curb cuts) to Pleasant Valley Road.

SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS

PG. 8

- | | |
|--------------------------------------|---|
| • <i>GRADES</i> | • More information relating to the grade of the driveway is required to determine if it satisfies the 10% grade requirement. |
| • <i>TOPOGRAPHY</i> | • When reviewing the ANR Atlas Website, the existing driveway does not appear to impact any of the enumerated resources in this section (other than prime agricultural soils which encompasses the entire lot). |
| | • Should the Board require updated information relating to parking, further review will be required. |
| • <i>RADII</i> | • The existing parking area appears to conform to the radii requirements. |
| • <i>CURBS</i> | • Does not apply. |
| • <i>GEOTEXTILES</i> | • No findings. |
| • <i>DRAINAGE</i> | • Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman regarding drainage. |
| • <i>SLOPES, BANKS & DITCHES</i> | • Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman and conduct a more thorough review regarding this subsection. |
| • <i>WET AREAS</i> | • Upon the submission of additional parking materials, Staff can conduct a more thorough review regarding this subsection. |
| • <i>CULVERS</i> | • Upon the submission of additional parking materials, Staff can solicit comments from the Road Foreman regarding culverts. |
| • <i>STREAM CROSSINGS</i> | • Does not apply. |

- *BRIDGES*
- *DESIGN*
- GENERAL COMMENTS*

- Does not apply.
- A paved apron shall be provided.
- None

SECTION 5 – SPECIFIC PROVISIONS: DRIVEWAYS & DEVELOPMENT ROADS

SECTION 5.A - DRIVEWAYS

PG. 11

1. *CONSTRUCTION & DESIGN REQUIREMENTS*
 - The Board should require the Applicant to upgrade the existing driveway and proposed parking areas to be upgraded to AOT B-71 Standards.
2. *LOCATION*
 - The existing lot is currently served by two curb cuts, which can be limited if the Board finds it necessary.
3. *WIDTHS*
 - The Board should ensure that the Applicant will satisfy the width requirement.
4. *NONCONFORMING LOTS*
 - Does not apply.